SENATE BILL No. 405

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DIGEST OF SB 405 (Updated February 7, 2005 12:04 pm - DI 102)

Citations Affected: IC 3-5; IC 3-10; noncode.

Synopsis: Municipal election schedule. Establishes a procedure by which a majority of the municipalities in a county may require the county election board to conduct municipal elections in even-numbered years. Requires a county containing a consolidated city to conduct municipal elections in even-numbered years beginning in 2012.

Effective: July 1, 2005.

Miller, Heinold

January 13, 2005, read first time and referred to Committee on Elections and Civic Affairs.
February 8, 2005, amended, reported favorably — Do Pass.

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SENATE BILL No. 405

A BILL FOR AN ACT concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1　　　SECTION 1. IC 3-5-2-26.1 IS ADDED TO THE INDIANA CODE
2　AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3　1, 2005]: **Sec. 26.1. "General election year" refers to an**
4　**even-numbered year that is not a presidential election year.**
5　　　SECTION 2. IC 3-5-2-40.5 IS ADDED TO THE INDIANA CODE
6　AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7　1, 2005]: **Sec. 40.5. "Presidential election year" refers to a year in**
8　**which an election for President of the United States is held.**
9　　　SECTION 3. IC 3-10-6.5 IS ADDED TO THE INDIANA CODE
10　AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
11　JULY 1, 2005]:
12　　　**Chapter 13. Municipal Elections in Even-Numbered Years**
13　　　**Sec. 1. This chapter applies to municipal elections conducted by**
14　**a county election board in a county if a majority of the**
15　**municipalities in a county adopt an ordinance placing the county**
16　**under this chapter.**
17　　　**Sec. 2. If the majority of the municipalities of a county adopts an**
18　**ordinance placing the county under this chapter, the following**

apply:

    (1) The county election board of the county may not hold a municipal election in an odd-numbered year.

    (2) Each municipality for which the county election board of the county conducts the municipality's elections shall adopt an ordinance providing for election of all municipal officers in even-numbered years.

Sec. 3. (a) An ordinance adopted under section 2 of this chapter may provide for any of the following:

    (1) That the election of all elected municipal officers is held in presidential election years.

    (2) That the election of all elected municipal officers is held in general election years.

    (3) That, to stagger the election of municipal officers, the election of some elected municipal officers occurs in the presidential election year and the election of the other elected municipal officers occurs in the general election year.

(b) If the ordinance provides for staggering of the election of elected municipal officers under subsection (a)(3), the ordinance must state which officers are elected in presidential election years and which officers are elected in general election years.

Sec. 4. An ordinance adopted under section 2 of this chapter must do the following:

    (1) State the first even-numbered year in which an election for elected municipal officers will occur.

    (2) State the term of office for each elected municipal officer who is first elected in an even-numbered year under the ordinance. The term of office of such an elected municipal officer may not be more than four (4) years.

    (3) Provide that the term of office of each elected municipal officer begins on January 1 following the date of the election.

Sec. 5. An ordinance adopted under section 2 of this chapter may not shorten the current term of office of an elected municipal officer who holds office on the day the ordinance is adopted.

Sec. 6. Notwithstanding any other law, the following apply:

    (1) The elected municipal officers of a municipality that adopts an ordinance under section 2 of this chapter shall be elected in the even-numbered years as provided in the ordinance.

    (2) The elected municipal officers first elected under an ordinance adopted under section 2 of this chapter shall serve the term of office stated in the ordinance, beginning on

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1   **January 1 after the election.**
2   **(3) The term of office of the successor of each elected**
3   **municipal officer first elected in an even-numbered year**
4   **under an ordinance adopted under section 2 of this chapter is**
5   **four (4) years beginning on January 1 after the election.**
6   **Sec. 7. An ordinance adopted under section 2 of this chapter**
7   **may provide other details for municipal elections not in conflict**
8   **with this chapter or other law.**
9   SECTION 4. [EFFECTIVE JULY 1, 2005] **(a) This SECTION**
10   **applies only to a county containing a consolidated city.**
11   **(b) The definitions in IC 3-5-2 apply throughout this SECTION.**
12   **(c) Notwithstanding any other law, an individual elected to a**
13   **city or town office at the 2007 general election takes office at noon,**
14   **January 1, 2009.**
15   **(d) The term of office of an individual described in subsection**
16   **(c) expires at noon, January 1, 2013.**
17   **(e) The successors of the individuals described in subsection (c)**
18   **shall be elected at the November 2012 general election.**
19   **(f) This SECTION expires July 1, 2013.**

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SENATE MOTION

Madam President: I move that Senator Heinold be added as second author of Senate Bill 405.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 405, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-26.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 26.1. "General election year" refers to an even-numbered year that is not a presidential election year.**

SECTION 2. IC 3-5-2-40.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 40.5. "Presidential election year" refers to a year in which an election for President of the United States is held.**

SECTION 3. IC 3-10-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 13. Municipal Elections in Even-Numbered Years

Sec. 1. This chapter applies to municipal elections conducted by a county election board in a county if a majority of the municipalities in a county adopt an ordinance placing the county under this chapter.

Sec. 2. If the majority of the municipalities of a county adopts an ordinance placing the county under this chapter, the following apply:

(1) The county election board of the county may not hold a municipal election in an odd-numbered year.

(2) Each municipality for which the county election board of the county conducts the municipality's elections shall adopt an ordinance providing for election of all municipal officers in even-numbered years.

Sec. 3. (a) An ordinance adopted under section 2 of this chapter may provide for any of the following:

(1) That the election of all elected municipal officers is held in presidential election years.

(2) That the election of all elected municipal officers is held in general election years.

(3) That, to stagger the election of municipal officers, the election of some elected municipal officers occurs in the presidential election year and the election of the other elected

municipal officers occurs in the general election year.

(b) If the ordinance provides for staggering of the election of elected municipal officers under subsection (a)(3), the ordinance must state which officers are elected in presidential election years and which officers are elected in general election years.

Sec. 4. An ordinance adopted under section 2 of this chapter must do the following:

(1) State the first even-numbered year in which an election for elected municipal officers will occur.

(2) State the term of office for each elected municipal officer who is first elected in an even-numbered year under the ordinance. The term of office of such an elected municipal officer may not be more than four (4) years.

(3) Provide that the term of office of each elected municipal officer begins on January 1 following the date of the election.

Sec. 5. An ordinance adopted under section 2 of this chapter may not shorten the current term of office of an elected municipal officer who holds office on the day the ordinance is adopted.

Sec. 6. Notwithstanding any other law, the following apply:

(1) The elected municipal officers of a municipality that adopts an ordinance under section 2 of this chapter shall be elected in the even-numbered years as provided in the ordinance.

(2) The elected municipal officers first elected under an ordinance adopted under section 2 of this chapter shall serve the term of office stated in the ordinance, beginning on January 1 after the election.

(3) The term of office of the successor of each elected municipal officer first elected in an even-numbered year under an ordinance adopted under section 2 of this chapter is four (4) years beginning on January 1 after the election.

Sec. 7. An ordinance adopted under section 2 of this chapter may provide other details for municipal elections not in conflict with this chapter or other law.".

Page 1, line 1, after "(a)" insert "**This SECTION applies only to a county containing a consolidated city.**

(b) The definitions in IC 3-5-2 apply throughout this SECTION.

(c)".

Page 1, line 2, delete "local" and insert "**city or town**".

Page 1, line 4, delete "(b)" and insert "**(d)**".

Page 1, line 5, delete "(a)" and insert "**(c)**".

Page 1, line 6, delete "(c)" and insert "**(e)**".

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Page 1, line 6, delete "(a)" and insert "**(c)**".
Page 1, delete lines 8 through 11.
Page 1, line 12, delete "(e)" and insert "**(f)**".
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 405 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 3.

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